IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1607 (SS) OF 2005

Devi Charan Verma,
Son of late Sri Shabhu Prasad Verma,
Permanent resident of 134, Civil lines,
Unnao, State of U.P.,
At present Assistant Teacher, L.T. Grade,
Government Inter College,
Kotdwar, District Pauri Garhwal. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary, Secondary Education, Dehradun.
2. Director of Secondary Education, State of Uttaranchal at Dehradun.
3. Regional Joint Director of Education, Pauri Garhwal.
4. District Education Officer, Pauri Garhwal.
5. Devendra Singh Aswal, Assistant Teacher, Government Inter College, Kotdwar, District Pauri Garhwal.

.....Respondents.

19.12.2005

Hon'ble Rajesh Tandon, J.

Heard Sri Vijay Bhatt, learned counsel for the petitioner and learned Standing Counsel for the respondents no. 1 to 4.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the transfer order dated 30th June, 2005 passed by the respondent no. 4 (Annexure 3 to the writ petition) and the orders dated 20.08.2005 and 14.10.02005 by which respondent no. 5 was transferred and was given joining (Annexure No. 10 to the writ petition). Further the petitioner

has prayed for a writ of mandamus commanding the respondent to take a decision on the representation of the petitioner and allow him to continue to work as an Assistant Teacher in Hindi in the college pursuant to the order dated 16.07.2005 of the respondent no. 3 and the relevant Government Order.

Briefly stated, the petitioner was appointees as Assistant Teacher in L.T. Grade for the subject Hindi in Government Inter College, Kotdwar, District Pauri Garhwal.

Pursuant to the order dated 10th July, 2001 passed by the District Education Officer Pauri Garhwal on 30th June, 2005, the petitioner was transferred from Government Inter College Devprayag to Government Inter College Kotdwar (present college) on the ground of long stay, in the light of the transfer pricy for the year, 2001 dated 12.06.2001.

The petitioner has challenged the aforesaid transfer order. the operative portion of the order passed in Writ Petition No. 923 (ss) of 2005 passed on 12th July, 2005 is quoted below:-

"However, it is open for the petitioner to move representation before the respondent no. 3 within a period of 15 days along with certified coy of the judgment and the respondent no. 3 shall thereafter decide the representation of the petitioner within a period of 30 days by passing the speaking and reasoned order."

The grievance of the petitioner is that in pursuance of the order passed by this Court on 16.07.2005, the representation has been decided but it has been directed to the following effect:-

"bl izdkj dh Jh nsoh 'kj.k oekZ }kjk izLrqr ekuuh; U;k;ky; dk vkn'k o ikfjr;kstuk fnukad 14-07-2005 ij fopkj djrs gq, ;g fu"d"kZ fudyrk gS fd ftyk f'k{kk vf/kdkjh ikMh }kjk mRrjk[kaM 'kklu dh 'kklukns'k la[;k&718/XXIV

(2)/2005 fnukd 13 eb 2005 d vuqikyu e Jh cek l0v0 Hkk"kk dk LFkkukrj.k jk0b0dk0 dkV}kjk ikMh l jk0m0ek0fo0 Xoky[kMk] ikMh x<oky e 'kklukn'k d vu:Ik fd;k x;k gA Jh oek d LFkkukUrj.k e 'kklukn'k d foijhr dkb Hkh rF; mtkxj ugh gkrk gA ftyk f'k{kk vf/kdkjh ikMh x<oky dk mRrjkpu 'kklu d l'kkf/kr 'kklukn'k l[;k 916/XXIV(2)/2005 fnukd 15 tykb 2005 d vuqikyu e funf'kr fd;k tkrk g fd o 'kklukn'k e fofgr ikfo/kku iLrj ¼d½ d vUrxir Jh oek d vkonu ij fjDr l0v0 Hkk"kk d in ij LFkkukUrj.k djuk lfuf'pr dj^^A

As will appear from the order passed on 16.07.2005, no decision has been taken.

The petitioner came to this Court and vide order dated 28th October, 2005, a direction was given to the Regional Joint Director for taking a final decision on the representation of the petitioner dated 28.07.2005 in the light of the relevant Government orders regarding transfer of employees.

The petitioner has submitted that till today, the representation of the petitioner has not yet been disposed of.

In view of the above, the respondents are directed to disposed of the representation of the petitioner within a period of six weeks from the production of the certified copy of the order in accordance with the Order dated 28.10.2005 passed by this Court and if necessary, the petitioner may be heard before passing any order.

The writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

19.12.2005
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